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C O N F I D E N T I A L SECTION 01 OF 02 RANGOON 000178

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SUBJECT: HAS BURMA TURNED THE CORNER ON FORCED LABOR?

REF: A. 04 RANGOON 1426

[1](#)B. RANGOON 10

Classified By: COM Carmen Martinez for Reasons 1.4 (b,d)

[1](#)1. (U) Summary: A Burma court has set a landmark precedent by sentencing four local government officials to jail terms for using forced labor. This action could scare local authorities and encourage other citizens to file similar charges. Also, two persons who were initially sentenced to death for informing ILO of forced labor violations were released in January as part of a broader GOB amnesty. The verdicts, and the releases, may signal a policy change, but are more likely just "window dressing" in advance of a high-level ILO visit to Burma scheduled for late February. End Summary.

GOOD NEWS ON FORCED LABOR

[1](#)2. (U) On January 31 a judge at Kawhmu Township Court announced eight-month jail sentences for four local government officials in Kawhmu Township, Rangoon Division for having used forced labor on public development projects. One of the defendants was named in two cases and received two, consecutive sentences for a total of 16 months. Local victims of the forced labor, who filed the original charges in mid-2004, had experienced harassment and detention for drawing attention to the issue until the ILO office in Rangoon successfully intervened on their behalf with the GOB.

[1](#)3. (U) According to Richard Horsey, ILO liaison officer, the court decision will cause local authorities "to think twice before forcing local citizens to work for free." He told Poloff that other victims may now be emboldened to lodge cases in courts because they now have greater confidence of obtaining justice. According to Horsey, there have been a total of only seven forced labor cases lodged in Burmese courts, and the January decision is the first known time that anybody in Burma has been found guilty and punished for imposing forced labor on citizens.

[1](#)4. (U) In a separate labor development, we recently learned that among prisoners released during an amnesty in early January (ref B) were two persons who had earlier been sentenced to death, in part for informing the ILO of forced labor problems. The two released persons are Naing Min Kyi and Aye Myint. Their colleague, Shwe Mann, remains in jail where he is serving his sentence, which was reduced in October 2004 from death to 5 years. The ILO believes that Shwe Mann may also get an early release.

ULTERIOR MOTIVE?

[1](#)5. (SBU) Horsey admits that the motive behind these forced labor developments could well be an upcoming high-level ILO visit to Burma, which is scheduled for February 21-25. The delegation, making the visit as a result of an ILO Governing Board decision in late 2004, includes former Australian Governor-General Sir Ninian Stephen, former Swiss President Ruth Dreyfus, and Ambassador Chung Eui-yong, Republic of Korea National Assembly member and chairman of the Foreign Relations Committee of the Uri Party. The GOB, said Horsey, obviously wants to demonstrate to this panel that they are making progress on forced labor issues.

[1](#)6. (C) Although the GOB has approved the ILO visit, authorities have complained about "inconvenient timing" due to the National Convention, which is slated to start on February 17. However, while the modalities are still being worked out, Horsey is confident that the visit will take place as scheduled. Emboffs spoke on February 9 with Leon de Riedmatten, the proposed facilitator for an ILO Plan of Action shelved after the May 2003 attack on Aung San Suu Kyi. De Riedmatten, just back from Geneva, said that the ILO delegation would insist, "as a pre-condition," that they get a top-level SPDC commitment on forced labor (including a meeting with Senior General Than Shwe or another top tier SPDC member). An encounter with just the Minister of Labor, he said, would not constitute adequate GOB support for the visit.

[1](#)7. (C) Comment: It is too early to say whether the conviction of local government authorities for forced labor violations represents a clear policy change, or if this

highly unusual action is merely an attempt by the SPDC to make a show of cooperation with the ILO without fully cooperating. It is likely that the judge delivered sentences only after she received authority from the highest levels. A precedent has now been set and increases the possibility that future cases could also result in convictions. End Comment.
Martinez